

Title 7

NOISE CONTROL

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Chapter 7.05

POLICY AND INTENT

Sections:

7.05.010 Policy and intent.

Section 7.05.010 Policy and intent.

It is determined that certain noise levels are detrimental to the public health, safety and welfare and are contrary to the public interest. Therefore, the City Council declares that creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such.

In order to control unnecessary, excessive and/or annoying noise in the City, it is declared to be the policy of the City to prohibit such noise generated by the sources specified in this chapter. It shall be the goal of the City to minimize noise levels and mitigate the effects of noise to provide a safe and healthy living environment. (Ord. 6273 § 1 (part), 1996)

Chapter 7.10

DEFINITIONS

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Section 7.10.010 Definitions generally.

For the purposes of this title, the words and phrases defined in this chapter shall have the meanings respectively ascribed to them by this chapter. (Ord. 6273 § 1 (part), 1996)

Section 7.10.015 A-weighted sound level.

"A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA. (Ord. 6273 § 1 (part), 1996)

Section 7.10.020 Agricultural property.

"Agricultural property" means a parcel of real property which is developed for agricultural and incidental residential purposes which is located within any permitted zone. (Ord. 6273 § 1 (part), 1996)

Section 7.10.025 Ambient noise level.

"Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding an alleged offensive noise, at the location and approximate time at which the comparison with the offensive noise is to be made. The ambient noise level constitutes the normal or existing level of environmental noise at a given location. (Ord. 6273 § 1 (part), 1996)

Section 7.10.030 Commercial purpose.

"Commercial purpose" means the use, operation or maintenance of any sound amplification equipment for the purpose of advertising any business, goods or services, or for the purposes of attracting the attention of the public, or soliciting patronage of customers to any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating such sound equipment. (Ord. 6273 § 1 (part), 1996)

Section 7.10.035 Construction.

"Construction" means any site preparation including grading, building, fabricating, assembly, substantial repair, alteration, or similar action. (Ord. 6273 § 1 (part), 1996)

Section 7.10.040 Community support land use category.

"Community support land use category" means areas developed with schools, libraries, fire stations, hospitals and similar uses in any zone. (Ord. 6273 § 1 (part), 1996)

Section 7.10.045 Cumulative period.

"Cumulative period" means a total period of time composed of time segments which may be continuous or discontinuous. (Ord. 6273 § 1 (part), 1996)

Section 7.10.050 Decibel (dB).

"Decibel (dB)" means a unit for measuring amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter). (Ord. 6273 § 1 (part), 1996)

Section 7.10.055 Demolition.

"Demolition" means any dismantling, intentional destruction or removal of structures, site

improvements, landscaping or utilities. (Ord. 6273 § 1 (part), 1996)

Section 7.10.060 Emergency.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action. (Ord. 6273 § 1 (part), 1996)

Section 7.10.065 Emergency work.

"Emergency work" means work made necessary to restore property to a safe condition following a physical trauma or property damage caused by an emergency or work necessary to prevent or minimize damage from a potential emergency. (Ord. 6273 § 1 (part), 1996)

Section 7.10.070 Fixed noise source.

"Fixed noise source" means a stationary device which creates sounds from a fixed location, including residential, agricultural, industrial and commercial machinery and equipment, pumps fans, compressors, air conditioners and refrigeration devices. (Ord. 6273 § 1 (part), 1996)

Section 7.10.075 Grading.

"Grading" means any excavating and/or filling of earth material to prepare a site for construction or the placement of improvements. (Ord. 6273 § 1 (part), 1996)

Section 7.10.080 Impulsive sound.

"Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples include explosions, drum beats, drop-forge impacts, fire crackers, discharge of firearms and one object striking another. (Ord. 6273 § 1 (part), 1996)

Section 7.10.085 Industrial land use category.

"Industrial land use category" means any area occupied by land uses whose primary operation involves warehousing, manufacturing, assembling, distributing, packaging or processing goods in the BMP, I, and AIR zones. (Ord. 6967 § 2, 2007; (Ord. 6273 § 1 (part), 1996)

Section 7.10.090 Intrusive noise.

"Intrusive noise" means a noise which intrudes over and above the existing ambient noise. The relative intrusiveness of the sound depends upon its amplitude, duration, frequency and time of occurrence, tonal or informational content as well as its relationship to the prevailing ambient noise level. (Ord. 6273 § 1 (part), 1996)

Section 7.10.095 Minor maintenance.

"Minor maintenance" means work required to keep property used for residential purposes in an existing state. (Ord. 6273 § 1 (part), 1996)

Section 7.10.100 Mobile noise source.

"Mobile noise source" means any noise source other than a fixed noise source. (Ord. 6273 § 1 (part), 1996)

Section 7.10.105 Motor vehicle.

"Motor vehicle" means any self-propelled vehicle as defined in the California Vehicle Code, including all on-highway types of motor vehicles subject to registration under said code, and all off-highway type motor vehicles subject to identification under said code. (Ord. 6273 § 1 (part), 1996)

Section 7.10.110 Muffler or sound dissipative device.

"Muffler or sound dissipative device" means a device for abating the sound of escaping gases from an internal combustion engine. (Ord. 6273 § 1 (part), 1996)

Section 7.10.115 Noise.

"Noise" means any sound which exceeds the appropriate actual or presumed ambient noise level or which annoys or tends to disturb humans or which causes or tends to cause an adverse psychological or physiological effect on humans. (Ord. 6273 § 1 (part), 1996)

Section 7.10.120 Noise Control Officer.

"Noise Control Officer" means the City official(s) or duly authorized representative(s) with the responsibility to enforce the noise ordinance. (Ord. 6273 § 1 (part), 1996)

Section 7.10.125 Noise disturbance.

"Noise disturbance" means any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property. (Ord. 6273 § 1 (part), 1996)

Section 7.10.130 Noise source.

"Noise source" means a disturbance causing operation which originates from noise generating mechanism. An example of a noise source is the combination of a motor, pump and compressor. (Ord. 6273 § 1 (part), 1996)

Section 7.10.135 Noise zone.

"Noise zone" means defined areas of generally consistent land use where the ambient noise levels are generally similar within a range of five decibels. (Ord. 6273 § 1 (part), 1996)

Section 7.10.140 Nonurban land use category.

"Nonurban land use category" means vacant land or land primarily for agricultural production containing ten acres or more. (Ord. 6273 § 1 (part), 1996)

Section 7.10.145 Office/commercial land use category.

"Office/commercial land use category" means areas developed with office and/or commercial uses in the O, CRC, CR-NC, CR, and CG zones. (Ord. 6967 § 2, 2007; Ord. 6273 § 1 (part), 1996)

Section 7.10.150 Person.

"Person" means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State. (Ord. 6273 § 1 (part), 1996)

Section 7.10.155 Powered model vehicle.

"Powered model vehicle" means airborne, waterborne or land-borne vehicles such as model airplanes, model boats, and model vehicles of any type or size which are not designed for carrying persons or property and which can be propelled in any form other than manpower or wind power. (Ord. 6273 § 1 (part), 1996)

Section 7.10.160 Public recreation facility land use category.

"Public recreation facility land use category" means areas developed with public parks and other public recreational facilities. (Ord. 6273 § 1 (part), 1996)

Section 7.10.165 Public right-of-way.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity. (Ord. 6273 § 1 (part), 1996)

Section 7.10.170 Public space.

"Public space" means any real property or structures which are owned or controlled by a government entity. (Ord. 6273 § 1 (part), 1996)

Section 7.10.175 Residential land use category.

"Residential land use category" means areas primarily used for residential purposes in the RE, RA-5, RR, RC, R-1-1-1/2 acre, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-2500, R-3-4000, R-3-3000, R-3-2000, R-3-1500, and R-4 zones. (Ord. 6967 § 2, 2007; Ord. 6273 § 1 (part), 1996)

Section 7.10.180 Sound.

"Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. (Ord. 6273 § 1 (part), 1996)

Section 7.10.185 Sound amplifying equipment.

"Sound amplifying equipment" means any device for the amplification of the human voice, or music, or any other sound, excluding devices in motor vehicles when heard only by the occupants of the vehicle, excluding warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes. (Ord. 6273 § 1 (part), 1996)

Section 7.10.190 Sound level.

"Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meter ANSI S1.4-1971 or the latest approved revision thereof. If the frequency weighing method used is not stated, the A-weighing shall apply. (Ord. 6273 § 1 (part), 1996)

Section 7.10.195 Sound level meter.

"Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels which satisfies the requirements for S2A meters in American National Standards Institute

specifications for sound level meters, S1.4-1971, or the most recent revision thereof. (Ord. 6273 § 1 (part), 1996)

Section 7.10.200 Sound pressure.

"Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy. (Ord. 6273 § 1 (part), 1996)

Section 7.10.205 Sound pressure level.

"Sound pressure level" in decibels means twenty times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated. (Ord. 6273 § 1 (part), 1996)

Section 7.10.210 Supplementary definitions of technical terms.

Definitions of technical terms not defined herein shall be obtained from the American National Standard, "Acoustical Terminology" S1.1-1961 (R-1971) or the latest revision thereof. (Ord. 6273 § 1 (part), 1996)

Chapter 7.15

ADMINISTRATION AND ENFORCEMENT

Section:

7.15.005 Administration and enforcement.

Section 7.15.005 Administration and enforcement.

A. The noise regulation shall be enforced by the Code Enforcement Division of the Community Development Department and/or the Riverside Police Department.

B. It shall be the responsibility of the Code Enforcement Division and/or the Riverside Police Department to enforce the provisions of this Title and to perform all other functions required by this Title. Such duties shall include, but not be limited to investigating potential violations, issuing warning notices and citations, and providing evidence to the City Attorney for legal action.

C. A violation of these regulations may be prosecuted as a misdemeanor or as an infraction. Each day a violation occurs shall constitute a separate offense and shall be punishable as such. However, nothing in these regulations shall prevent any code compliance officer or his duly authorized representatives from efforts to obtain voluntary compliance by way of warning, notice or education. (Ord. 6959 § 1, 2007; Ord. 6844 § 15, 2006; Ord. 6273 § 1 (part), 1996)

Chapter 7.20

SOUND LEVEL MEASUREMENT

Section:

7.20.010 Sound level measurement.

Section 7.20.010 Sound level measurement.

Except as provided by Chapter 17.35, General Noise Regulations, any sound or noise level measurement made to enforce this title shall be measured with a sound level meter using the A-weighting scale at slow response. The exterior noise level shall be measured at the position or positions along the complainant's property line closest to the noise source or where the noise level is highest. If the complaint concerns an interior source, noise measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source with windows opened or closed as would be normal for the season. (Ord. 6273 § 1 (part), 1996)

Chapter 7.23

AMBIENT NOISE LEVELS

Sections:

- 7.23.010 Ambient Sound Levels.**
- 7.23.020 Mixed Use Development.**
- 7.23.030 Infill Single-Family Residential Development.**

Section 7.23.010 Ambient Sound Levels.

Title 7 - Noise Control of the Riverside Municipal Code shall be consistent with Title 24 of the Health and Safety Code of the State of California as may be amended from time to time. (Ord. 6967 § 3, 2007)

Section 7.23.020 Mixed Use Development.

Where a new development proposal includes a mix of residential and nonresidential uses within the same project, the interior ambient noise standard for the residential component of the project may be increased by 5 decibels. (Ord. 6967 § 3, 2007)

Section 7.23.030 Infill Single-Family Residential Development.

Where a new development proposal includes an infill single-family residential use, the interior ambient noise standard for the proposal may be increased by 5 decibels. (Ord. 6967 § 3, 2007)

Chapter 7.25

NUISANCE EXTERIOR SOUND LEVEL LIMITS

Section:

7.25.010 Exterior sound level limits.

Section 7.25.010 Exterior sound level limits.

A. Unless a variance has been granted as provided in this chapter, it shall be unlawful for any person to cause or allow the creation of any noise which exceeds the following:

1. The exterior noise standard of the applicable land use category, up to five decibels, for a cumulative period of more than thirty minutes in any hour; or
2. The exterior noise standard of the applicable land use category, plus five decibels, for a cumulative period of more than fifteen minutes in any hour; or
3. The exterior noise standard of the applicable land use category, plus ten decibels, for a cumulative period of more than five minutes in any hour; or
4. The exterior noise standard of the applicable land use category, plus fifteen decibels, for the cumulative period of more than one minute in any hour; or
5. The exterior noise standard for the applicable land use category, plus twenty decibels or the maximum measured ambient noise level, for any period of time.

B. If the measured ambient noise level exceeds that permissible within any of the first four noise limit categories, the allowable noise exposure standard shall be increased in five decibel increments in each category as appropriate to encompass the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

C. If possible, the ambient noise level shall be measured at the same location along the property line with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, then the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance that the offending noise is inaudible. If the measurement location is on the boundary between two different districts, the noise shall be the arithmetic mean of the two districts.

D. Where the intruding noise source is an air-conditioning unit or refrigeration system which was installed prior to the effective date of this chapter, the exterior noise level when measured at the property line shall not exceed sixty dBA for units installed before 1-1-80 and fifty-five dBA for units installed after 1-1-80.

Table 7.25.010A

Exterior Noise Standards		
Land Use Category	Time Period	Noise Level
Residential	Night (10 p.m. to 7 a.m.) Day (7 a.m. to 10 p.m.)	45 dBA 55 dBA
Office/commercial	Any time	65 dBA
Industrial	Any time	70 dBA
Community support	Any time	60 dBA
Public recreation facility	Any time	65 dBA
Nonurban	Any time	70 dBA

Table 7.25.010B

Land Use Category/Zoning Matrix	
Land Use Category	Underlying Zone
Residential	RE, RA-5, RR, RC, R-1-1/2 acre, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-2500, R-3-4000, R-3-3000, R-3-2000, R-3-1500, R-4
Office/commercial	O, CRC, CR-NC, CR, CG
Industrial	BMP, I, AIR
Community support	Any permitted zone
Nonurban	Any permitted zone

(Ord. 6967 § 5, 2007; Ord. 6273 § 1 (part), 1996)

Chapter 7.30

NUISANCE INTERIOR SOUND LEVEL LIMITS

Section:

7.30.015 Interior sound level limits.

Section 7.30.015 Interior sound level limits.

A. No person shall operate or cause to be operated, any source of sound indoors which causes the noise level, when measured inside another dwelling unit, school or hospital, to exceed:

1. The interior noise standard for the applicable land category area, up to five decibels, for a cumulative period of more than five minutes in any hour;
2. The interior noise standard for the applicable land use category, plus five decibels, for a cumulative period of more than one minute in any hour;
3. The interior noise standard for the applicable land use category, plus ten decibels or the maximum measured ambient noise level, for any period of time.

B. If the measured interior ambient noise level exceeds that permissible within the first two noise limit categories in this section, the allowable noise exposure standard shall be increased in five decibel increments in each category as appropriate to reflect the interior ambient noise level. In the event the interior ambient noise level exceeds the third noise limit category, the maximum allowable interior noise level under said category shall be increased to reflect the maximum interior ambient noise level.

C. The interior noise standard for various land use districts shall apply, unless otherwise specifically indicated, within structures located in designated zones with windows opened or closed as is typical of the season.

Table 7.30.015

Interior Noise Standard		
Land Use Category	Time Period	Noise Level
Residential	Night (10 p.m. C 7 a.m.) Day (7 a.m. C 10 p.m.)	35 dBA 45 dBA
School	7 a.m. C 10 p.m. (while school is in session)	45 dBA
Hospital	Any time	45 dBA

(Ord. 6273 § 1 (part), 1996)

Chapter 7.35

GENERAL NOISE REGULATIONS

Sections:

7.35.010 **General noise regulations.**

7.35.020 **Exemptions.**

Section 7.35.010 **General noise regulations.**

A. Notwithstanding the sound level meter standards described in this ordinance, it is nonetheless unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The factors which should be considered in determining whether a violation of this section exists, include the following:

1. The sound level of the objectionable noise.
2. The sound level of the ambient noise.
3. The proximity of the noise to residential sleeping facilities.
4. The zoning of the area.
5. The population density of the area.
6. The time of day or night.
7. The duration of the noise.
8. Whether the noise is recurrent, intermittent, or constant.
9. Whether the noise is produced by a commercial or noncommercial activity.
10. Whether the nature of the noise is usual or unusual.
11. Whether the noise is natural or unnatural.

B. It is unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The following acts, among others, are declared to be disturbing, excessive and offensive noises in violation of this section:

1. Radios, Television Sets, Musical Instruments and similar stationary or mobile devices: Operating, playing or permitting the operation or playing of any radio, television set, audio equipment, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity. The operation of any such set, instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

2. Loud Speakers (Amplified Sound): Using, or operating, or permitting to be used or operated, for any purpose, any loud speaker, loudspeaker system, or similar device between the hours of 10:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category, except for any non-commercial public speaking, public assembly or other activity for which a variance has been issued.

3. Animals and Birds: Owning, possessing, or permitting to be harbored any animal or bird which frequently or for a continued duration howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial property line.

4. Loading and Unloading: Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects, or permitting these activities between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a

noise disturbance across a residential property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

5. Construction: Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, grading or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on week days and between 5 p.m. and 8 a.m. on Saturdays or at any time on Sunday or federal holidays such that the sound therefrom creates a noise disturbance across a residential or commercial property line or at any time exceeds the maximum permitted noise level for the underlying land use category, except for emergency work or by variance. This section does not apply to the use of domestic power tools.

6. Domestic Power Tools: Operating or permitting the operation of any mechanically powered saw, sander, drill grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line. Any motor, machinery, pump, compressor, generator etc., shall be sufficiently muffled and maintained so as not to create a noise disturbance.

7. Powered Model Vehicles: Operating or permitting the operation of powered model vehicles between the hours of 7:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

8. Stationary Non-emergency Signaling Devices: Sounding, or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any hourly period. Houses of worship and the Mission Inn carillons shall be exempt from the operation of this provision. Sound sources covered by this provision and not exempted under this subsection may be exempted by a variance.

9. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing. Testing of a stationary emergency signaling device shall not occur before 7 a.m. or after 7 p.m. Any such testing shall only use the minimum cycle test time. In no case shall the test time exceed 10 seconds or occur more than once each calendar month.

10. Vehicle, Motorcycle, Motorboat or Aircraft Repair and Testing: Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft, or permitting any these activities, in such a manner as to create a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category shall not be permitted except where said activities are directly related to officially sanctioned events. underlying land use category.

11. Permitting any noise disturbance that is:

a. Plainly audible across property boundaries;

b. Plainly audible through partitions common to two residences within a building;

c. Plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 a.m. and 10:00 p.m.; or

d. Plainly audible at a distance of 25 feet in any direction from the source of music or sound between the hours of 10:00 p.m. ad 7:00 a.m. (Ord. 6959 §2, 2007; Ord. 6328 § 1, 1996; Ord. 6273 § 1 (part), 1996)

Section 7.35.020 Exemptions.

The following activities shall be exempt from the provisions of this title:

A. Emergency Work. The provisions of this Title shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

B. Entertainment Events. The provisions of this Title shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and entertainment events conducted between the hours of seven a.m. and ten p.m.

C. Federal or State Preempted Activities. The provisions of this Chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

D. Minor Maintenance to Residential Property. The provisions of this Title shall not apply to noise sources associated with minor maintenance to property used for residential purposes, provided the activities take place between the hours of seven a.m. and ten p.m.

E. Right-Of-Way Construction. The provisions of this Title shall not apply to any work performed in the City right-of-ways when, in the opinion of the Public Works Director or his designee, such work will create traffic congestion and/or hazardous or unsafe conditions.

F. Public Health, Welfare and Safety Activities. The provisions of this Title shall not apply to construction maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc. (Ord. 6917 § 1, 1996; Ord. 6328 § 2, 1996; Ord. 6273 § 1 (part), 1996)

Chapter 7.40

VARIANCE PROCEDURE

Sections:

7.40.010 Variance procedure.

7.40.020 Appeals.

Section 7.40.010 Variance procedure.

A. The Zoning Administrator is authorized to grant variances for exemption from any provision of this title, and may limit area of applicability, noise levels, time limits, and other terms and conditions determined appropriate to protect the public health, safety, and welfare. The provisions of this section shall in no way affect the duty to obtain any permit or license required by law for such activities.

B. Any person seeking a variance pursuant to this section shall file an application with the Zoning Administrator. The application shall be signed by the property owner or owner's representative using forms supplied by the Planning Division. The application shall contain information which demonstrates that bringing the source of the sound or activity into compliance with this title would constitute an unreasonable hardship to the applicant, the community, or other persons. The Zoning Administrator may require additional information if it is necessary to make a determination regarding the variance request. The application shall be accompanied by a fee established by resolution of the City Council.

C. A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership or several fixed sources on a single property may be combined into one application. Any person who claims to be adversely affected by the allowance of the variance may file a statement with the Zoning Administrator containing any information to support his claim. If the Zoning Administrator determines that a sufficient controversy exists regarding a variance application, the variance may be set for public hearing before the Planning Commission.

D. Public notice of the consideration of a proposed variance from the standards of this chapter shall be provided by the Zoning Administrator by mailing such notice to property owners within three hundred feet of the exterior boundaries of the property under consideration. The notice shall invite interested persons to notify the Planning Department of any concerns or comments within ten days of the date of the notice.

E. In determining whether to grant or deny the application, the Zoning Administrator or the Planning Commission shall consider comments received from property owners within three hundred feet, hardship on the applicant, the community, or other persons affected and property affected and any other adverse impacts. The requested variance may be granted in whole or in part and upon such terms and conditions as it deems necessary if, from the facts presented on the application, the Zoning Administrator or the Planning Commission finds that:

1. The strict application of the provisions of this title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of this title;

2. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

4. The granting of such variance will not be contrary to the objectives of any part of the

adopted General Plan.

F. A variance shall be granted by a notice to the applicant containing all the necessary conditions, including any time limits on the permitted activity. The variance shall not become effective until all the conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

G. A variance shall be valid for a period not exceeding one year after the date on which it was granted. Applications for extensions of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances.

H. In the event the Zoning Administrator does not approve an application for a variance within ten days after the application is filed it shall be placed on the agenda of the next regularly scheduled Planning Commission, unless the Commission refers the matter to the City Council. (Ord. 6967 § 7, 2007; Ord. 6462 § 8-10, 1999; Ord. 6273 § 1 (part), 1996)

Section 7.40.020 Appeals.

Any person aggrieved by the approval or disapproval of a variance, may appeal the decision of the Zoning Administrator or Planning Commission to the City Council within ten days after the date of such approval or disapproval. The City Council shall hold a hearing thereon, upon notice to the applicant, considering the same criteria presented to the Zoning Administrator. (Ord. 6462 § 11, 1999; Ord. 6273 § 1 (part), 1996)

Chapter 7.45

SEVERABILITY

Section:

7.45.010 Severability

Section 7.45.010 Severability

If any section, subsection, sentence, clause or phrase in this title is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The City Council hereby declares that it would have passed this title and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6328 § 3, 1996)